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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,178	11/17/2003	Luc Orino	550-477	9349
23117 7590 08/19/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
HOANG, DANIEL L				
ART UNIT		PAPER NUMBER		
2436				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,178

Applicant(s)

ORINO ET AL.

Examiner

DANIEL L. HOANG

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 9/17/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Notice of Appeal, filed 1/27/09, with respect to the rejection(s) of claim(s) 1-7, 10-17 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kobayashi, US Patent No. 6502176

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-7 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales, US Patent No. 5488688, and further in view of Kobayashi, US Patent No. 6502176

2. As per claims 1 and 11, Gonzales teaches:

A processor operable in a plurality of modes, and a plurality of domains, said plurality of domains comprising a first domain and a second domain, the processor comprising:

monitoring logic configured to perform a debug or trace function to monitor said processor and to capture diagnostic data in response to performing said debug or trace function;

[see fig. 1] element 23 is viewed as the claimed "monitoring logic", element 21 is viewed as the claimed "processor", and element 24 is viewed as the "debug function".

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a storage element operable to contain at least one control parameter;

[see col. 3, lines 29-32]

control logic operable to control said monitoring logic in dependence on said at least one control parameter and the domain in which said processor is operating, to suppress capturing of diagnostic data relating to predetermined activities of said processor in said first domain.

[see col. 3, lines 34-39]

Gonzales is mute in teaching that the processor is operable to operate in two different domains nor does Gonzales teach that while diagnostic data capture is being suppressed in one domain, capturing of diagnostic data in the second domain is allowed. For this limitation, examiner relies on the Kobayashi reference.

Kobayashi teaches a method capable of affecting a large-scale modification a control program without stopping the computer which executes by temporarily stopping the program and loading modified executable codes into different areas of the system (see col. 2, lines 4-27). Kobayashi teaches operating in two different domains and halting the process of modifying the control program when additional data code size is greater than the data reserve area's capacity (see col. 6, lines 21-25). When the data size is smaller than the reserve area, the process is continued (see col. 6, lines 40-46). It would have been obvious to one of ordinary skill in the art to modify the Gonzales reference to include the ability to loading and modify a control program without stopping the computer system by switching between reserve areas as taught by Kobayashi. One would be motivated to do this so that when a program needs to be modified to incorporate additional functions or to remove errors (bugs), the computer system can maintain flawless execution as opposed to having to be temporarily stopped.

As per claims 2 and 12, Gonzales teaches:

A processor according to claim 1, wherein the first domain is a secure domain and the second domain is a non-secure domain, said processor being operable such that when executing a

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program in a secure mode within said secure domain said program has access to secure data which is not accessible when said processor is operating in a non-secure mode within said non-secure domain.

[see column 3, lines 40-53, wherein the cited first mode is viewed as the non-secure mode and the cited second mode is viewed as the secure mode.]

As per claims 3 and 13, Gonzales teaches:

A processor according to claim 1, wherein the at least one control parameter provides an indication of said domain of operation of the processor, said control logic being operable to suppress capturing of diagnostic data when said processor switches from second to first domain.

[see col. 3, lines 34-39, wherein the cited signal is viewed to be analogous to the claimed "control parameter".]

As per claims 4 and 14, Gonzales teaches:

A processor according to claim 1, wherein said at least one control parameter identifies an application, said control logic being operable to suppress capturing of diagnostic data when said processor switches from an identified application in said first domain to an application in said first domain not identified by said at least one control parameter.

[see column 4, lines 30-38]

As per claims 5 and 15, Gonzales teaches:

A processor according to claim 1, wherein said first domain comprises a plurality of modes and said at least one control parameter identifies a particular mode within said first domain, said control logic being operable to suppress capturing of diagnostic data when said processor switches between an identified mode within said first domain and a mode within said first domain not identified by said at least one control parameter.

[see column 3, lines 40-53]

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As per claims 6 and 16, Gonzales teaches:

A processor according to claim 5, wherein said plurality of modes in said first domain comprise a user mode and a privileged mode.

[see rejection of claim 2, wherein the first mode is a user mode and the second mode is a privileged mode.]

As per claims 7 and 17, Gonzales teaches:

A processor according to claim 1, wherein said control logic is operable to control said monitoring logic to resume capturing of diagnostic data when said processor switches back from said predetermined activity to an activity for which capturing of diagnostic data is not suppressed.

[see column 3, lines 60-65, and col. 4, lines 1-3]

As per claim 10, Gonzales teaches:

A processor according to claim 1, wherein said control logic suppresses capture of said diagnostic data by removing power input to the monitoring logic.

[see column 6, lines 41-55]

*. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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*. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Daniel L. Hoang/

Examiner, Art Unit 2436

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436